THE TOWN OF EMERSON

BASIC PLANNING STATEMENT

BY-LAY NO. 85-91

Prepared for:

The Town of Emerson

By:

Municipal Planning
Municipal Affairs
Steinbach, Manitoba

April, 1985

THE TOWN OF EMERSON

BY-LAW NO. 85-91

BEING a By-law of the Town of Emerson to adopt the Town of Emerson Basic Planning Statement;

WHEREAS Section 38(1) of The Planning Act, Chapter 29, S.M. 1975 provides that the Council of a Municipality may by By-law adopt a Basic Planning Statement for the future development of an area;

AND WHEREAS it is deemed expedient and desirable to establish a statement of objectives and policies for the future development ~~of~~ the Town of Emerson:

NOW THEREFORE, the Council of the Town of Emerson, in meeting duly assembled, enacts as follows:

The Town of Emerson Basic Planning Statement, designated Schedule "A" and attached hereto, is hereby approved and adopted in accordance with the provisions of The Planning Act.

DONE AND PASSED at Emerson on the 8th day of April A.D. 1986

_____

Mayor

_____

Secretary-Treasurer

Given first reading on the 12 day of Nov. A.D. 1985
Given second reading on the 11 day of Feb. A.D. 1986
Given third reading on the 8 day of April A.D. 1986

Certified a true copy of By-law No. 85-91 of the Town of Emerson passed at a meeting of the Council assembled on the 8th day of April, A.D. 1986.

_____

Secretary-Treasurer

SCHEDULE "A"

THE TOWN OF EMERSON

BASIC PLANNING STATEMENT

ATTACHED TO AND FORMING PART

OF BY-LAW NO.

THE TOWN OF EMERSON

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PART I. INTRODUCTION

Emerson is located some 105 kilometers south of Winnipeg at the Red River and the United States border. Since 1871 the U.S. border customs function has played a major economic factor in the economy of the Town. The Town is substantial in size, being some 8.5 square miles or 5,440 acres. The most recent population figure is 746 people. Agricultural land use constitutes 89% of the Town's area. Since 1950, flood ring dykes have been established in most of the built-up portion of the Town. A water treatment plant was constructed in 1956 and a new sewage lagoon was brought into service in 1980. See Map 1 - Regional Setting of Emerson.

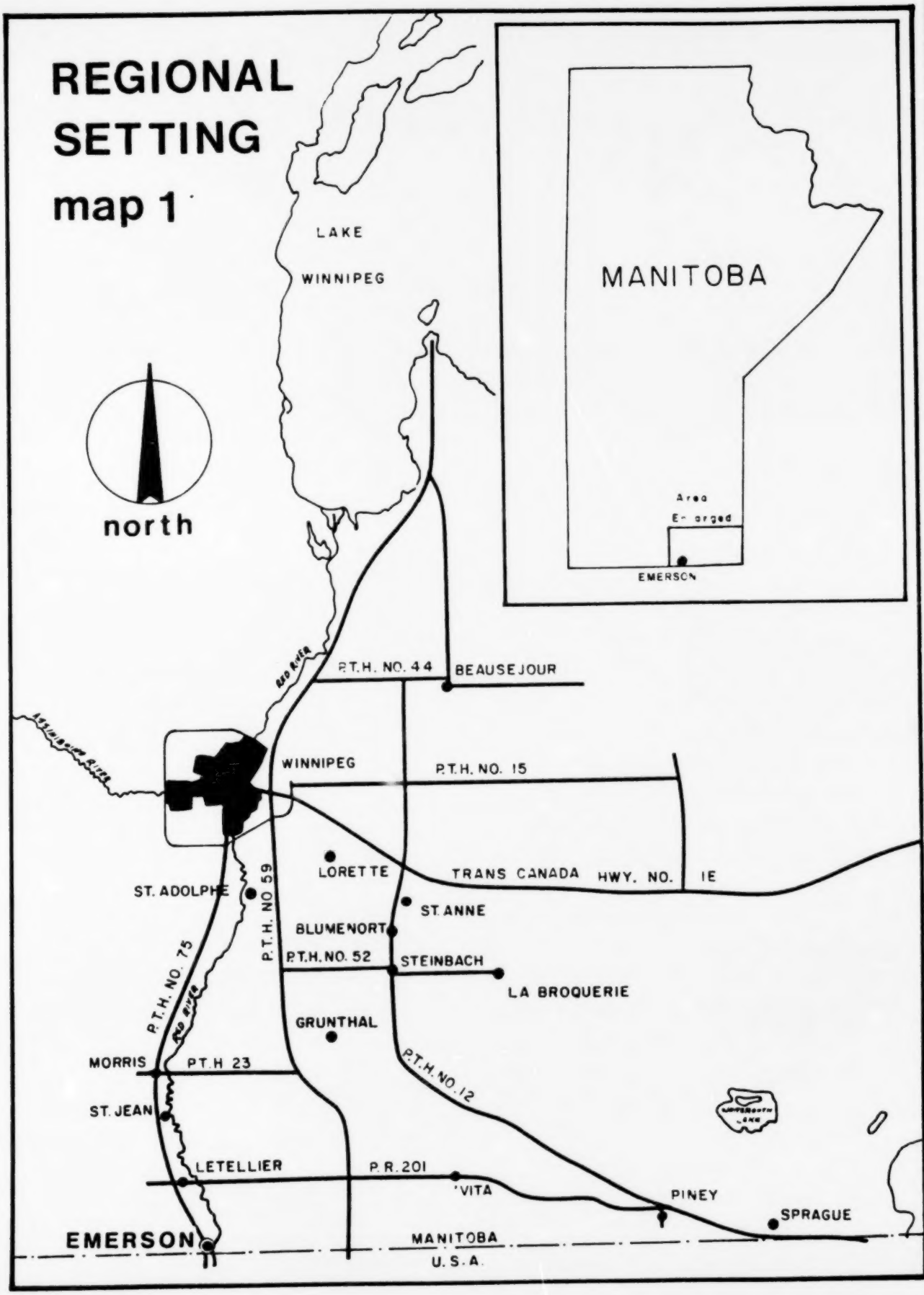
A) Intent of the Basic Planning Statement

A Basic Planning Statement is a statement of the community's objectives and policies adopted by Municipal Council for the purpose of guiding future development and/or re-development of all or part of the community. The Statement takes into account the over-riding concerns that have been identified within the community and outlines programs and projects, to resolve those concerns.

Furthermore, the Basic Planning Statement review process provides and permits the community to make adjustments to policies and proposals that require modifications, due to new conditions, or unanticipated changes in life-styles and values. It is inherent in the procedures established that there be on-going community review through periodic re-evaluation and revision to the Basic Planning Statement to meet the conditions created by constant change. This document is intended to be an overall policy statement for the development of the Town of Emerson to fulfill this responsibility.

B) The Basic Planning Statement

This document, the Town of Emerson Basic Planning Statement, is the culmination of background studies and is intended to guide


REGIONAL SETTING
map 1
LAKE WINNIPEG
MANITOBA
Area Enlarged
EMERSON
north
RED RIVER
P.T.H. NO. 44
BEAUSEJOUR
ASSINIBOINE RIVER
WINNIPEG
P.T.H. NO. 15
LORETTE
TRANS CANADA HWY. NO. 1E
ST. ADOLPHE
P.T.H. NO 59
ST. ANNE
BLUMENORT
P.T.H. NO. 75
P.T.H. NO. 52
STEINBACH
LA BROQUERIE
RED RIVER
GRUNTHAL
MORRIS
PT.H 23
P.T.H. NO. 12
ST. JEAN
LETELLIER
P.R. 201
VITA
PINEY
SPRAGUE
EMERSON
MANITOBA
U.S.A.

future development both public and private, within the Town of Emerson. The statement is "long range" in nature in that it is intended to be a general guide for community development. The goals and policies of the document will be implemented through a zoning by-law, subdivision control, building regulation, public works and development agreements.

Given the ongoing nature of the planning process, this plan is not intended to be a static document, but rather it shall be open to review and amendment as time and conditions may dictate.

C) Supporting Studies to the Basic Planning Statement (BPS)

Drafting of the BPS was preceded by preparation of the Emerson Background Study aimed at:

(a) providing an information and data base for analysis by Town Council and the citizens as a whole, enabling discussion to take place from a common point in formulating goals, policies and proposals for the BPS;

(b) indicating areas where there appear to be weaknesses that can be corrected by community action; and

(c) suggesting for discussion, several proposals and alternatives that could lead to improvements in areas where critical problems exist.

The Background Study revealed a number of environmental and community concerns which require resolution by the Town to achieve its potential. These concerns are:

(1) presently, multiple family residential development does not exist and there is a need to accomodate such residential land use development;

(2) the existing dykes are designed only to protect against a magnitude similar to the 1950 flood. A program is presently being initiated to upgrade the dykes and build new ones to provide protection against the 100 year flood.

(3) the water treatment plant is in need of improvements to ensure that it maintains its ability to supply the Town with good quality water; and

(4) to provide direction to the development of the Town in order to achieve an optimum land use configuration.

D) Planning Authority

The authority for the Town of Emerson to prepare a "Basic Planning Statement" has been granted through Section 36 of The Planning Act, 1975.

> "Where a development plan is not in effect, the board of a district or the council of a municipality, after advising the Minister, shall prepare a Basic Planning Statement for the district or the municipality or any part thereof."

E) Basic Planning Statement Format

The Basic Planning Statement consists of:

Section 1 Introduction;

Section 2 Basic Planning Statement General Land Use Development Policies, outlines overall objectives of planning and development policies within the Town of Emerson;

Section 3 Land Use Objectives and Policies, outlines the considerations and objectives, and the land use policies for general, residential, commercial, industrial, parks, open areas, heritage resources and agricultural resources;

Section 4 Municipal Services and Transportation Services, outlines the engineering and transportation service policies for Emerson;

Section 5 Development Criteria in Flood Prone Areas, Ground Water Supply, outlines the objectives and policies as it relates to development along the Red River and ground water supply policies for the Town.

Section 6 General Land Use, outlines the general land use inter-relationship for the Town of Emerson; and

Section 7 Implementation, describes the procedures and regulations for interpretation, review and amendment and implementation of the Basic Planning Statement.

F) Definitions of Terms

1) "Act, The Planning" shall mean The Planning Act, Chapter 29, S.M. .1975 and all amendments thereto;

2) "Council", shall mean the Council of the Town of Emerson;

3) "Development Objectives", are a desired state which the local government is striving to achieve;

4) "Development Policies", are the local authority's statements of how to achieve the Development Objectives;

5) "Development", means the carrying out of the construction; erection or placing of any building or excavation or other operation on or under land; or, the making of any change in the use of the intensity of use of any natural resources, land, buildings or premises;

6) "Town", shall mean the Incorporated Town of Emerson;

7) "Medium density development", shall mean such housing as town housing, four-plexes, walk-up blocks, at densities under 20 units per net acre.

PART II. GENERAL LAND USE DEVELOPMENT POLICIES

1. Objectives

To provide for the optimal physical, social and economic development strategy, and to properly utilize the Town resources to best serve the needs of its residents.

2. Policies

2.1 Where different land uses abut each other and the potential for conflict exists, buffering materials such as plants may be required as a means of minimizing the impact on the affected land use.

2.2 The role of the Town of Emerson as a residential community shall be preserved and enhanced and its development as a commercial and industrial community shall be promoted.

2.3 Infill growth along existing municipal services shall be encouraged so that greater utilization of infrastructure takes place, financing problems are remedied, and capital expenditures are minimized.

2.4 An adequate range of recreational, educational, cultural, entertainment, health and welfare services and facilities be promoted to serve the residents of the Town of Emerson.

2.5 Public involvement, understanding, and cooperation in the planning and development process shall be encouraged.

2.6 The Town of Emerson should make every possible effort to coordinate the activities of all agencies and authorities involved in the development of the Town.

2.7 Developments that create hazardous situations or are subject to environmental hazards which includes flooding, erosion and bank instability, shall not be permitted unless the hazard has been removed or appropriate remedial measures have been taken that will ensure the protection of life and property and are within the guidelines of provincial environmental, health and water resources agencies.

PART III. RESIDENTIAL

1. Objectives

1.1 To make provision of sufficient, suitable land for housing accomodation adequate to meet the needs of all residents of the community.

1.2 To provide for adequate municipal services, schools and parks.

1.3 To provide for privacy and protection from the intrusion of undesirable influences.

1.4 To provide for an adequate range of residential development in the community.

2. Policies

2.1 The orderly growth of Emerson should encourage infilling of available vacant serviced lots and priority should be given to the development of lands already serviced.

2.2 No additional land shall be designated for new residential purposes (beyond that stated in the Development Designation Map 3) until such time as approximately 80% of the development stock has been depleted.

2.3 Where there is some form of conflict between land uses in close proximity to each other, appropriate measures such as a buffer should be established to reduce this conflict.

2.4 Residential lots shall be regulated in the Zoning By-law so that they will have a minimum frontage and site area which reflects the Town's existing lot structure.

2.5 The Town shall encourage tree plantings and other forms of landscaping in residential areas in order to enhance the aesthetic quality of the surrounding area.

2.6 Medium density apartment projects should be located close to community facilities and commercial areas with access to major roads.

2.7 Uses such as parks and day-care centres which are supportive of, or auxilary to residential land use may be located in a residential area.

2.8 Multiple family residential dwellings may be permitted in areas designated for residential and commercial use subject to the considerations and approval of Council. Districts for multiple family residences and the applicable standards may be establisned as conditional use by the zoning by-law. In evaluating an application for a multiple family residence, consideration shall be given to factors such as changes in traffic pattern, existing neighbourhood character, day lighting and the availability and capacity of services.

2.9 Home occupations shall be permitted in the residential area as a temporary use subject to the acquisition of a temporary permit. In keeping with the intent of the home occupation, which is to establish oneself in a business, continuation of the business upon expiry of the temporary permit may require that the business relocate to an area designated for such use. A home occupation is a business carried on entirely within a residence by one person who is a permanent resident of the home in which there is no stock in trade, no additional parking to that required by the dwelling, and no sign or notice advertising the business.

PART IV. COMMERCIAL

A) Central Business District

1. Objectives

1.1 To make provision for future commercial areas that will be adequate to meet the needs as they arise.

1.2 To strengthen the existing commercial area so that it will be an efficient and attractive commercial centre for the community and its trading area.

1.3 To encourage infill of present centrally located commercial sites. To ensure the continued functioning of the Town as a marked focus for commercial activities in the area.

2. Policies

2.1 The Central Business District (CBD) shall be recognized as the main commercial, business and cultural centre of the Town (see Map 3).

2.2 New commercial outlets shall be grouped closely together for the convenience of shopping and related activities.

2.3 There shall be adequate provision for loading and unloading in the zoning by-law and adequate off or on street parking should be provided to make the CBD easily accessible to users.

2.4 The Zoning By-law may provide for residential uses as a conditional use in the CBD area.

B) Highway Commercial Development

1. Objectives

1.1 To provide for highway commercial development to meet the needs and convenience of vehicular oriented goods and services.

1.2 To ensure that highway commercial areas develop in such a manner that they will not impede the safety and the primary function of the highway to which it is oriented.

2. Policies

2.1 Highway commercial uses such as auto service centres, roadside restaurants and cafes, motels and hotels shall be located in areas that are adjacent to and well serviced by a provincial corridor and not detract from the CBD.

2.2 Clustering of highway commercial development shall be encouraged with access provided through frontage roads or internal road systems (see Development Designation Map 3 for highway commercial areas).

2.3 The Zoning By-law shall establish and regulate future highway commercial development by taking into consideration the following items:

(a) parking requirements;

(b) site area requirements;

(c) identification and advertisement signs;

(d) entrance and exit approaches;

(e) landscaping; and

(f) building appearance.

2.4 Highway commercial areas should not detract from the viability of other commercial areas and provide for a pleasing appearance.

PART V. INDUSTRIAL

1. Objectives

1.1 To promote the development of new industries, and to encourage the expansion and re-development of existing industries.

1.2 To ensure the development of a safe, attractive, and efficient industrial area.

1.3 To direct new industries arriving in the Town to the industrial area as identified on the Development Designation Map 3.

2. Policies

2.1 Industrial development shall not be mixed with other land use.

2.2 Industrial traffic shall have ready access to major highways and shall not be encouraged to traverse residential areas.

2.3 Industrial areas shall be readily serviceable by extension of the existing sewer and water system, except certain types of industrial uses such as warehousing, fertilizer sales may be permitted without piped service subject to health and environmental regulatory requirements.

2.4 Industries presently located in non-industrial areas should be encouraged to relocate to the appropriate industrial areas.

2.5 In order to ensure that overloading of the water and sewage collection system requirements do not occur, each new industry should be evaluated prior to development approval.

2.6 Where an industrial area abuts a more restrictive land use such as residential or commercial, a buffer may be required to minimize the impact on the affected land use.

PART VI. PARKS, OPEN AREAS AND HERITAGE RESOURCES

A) Parks, Open Areas

1. Objectives

1.1 To assure availability of adequate land in appropriate locations to meet the ongoing needs of the Town and the region.

1.2 To ensure that the open spaces are developed in order to contribute towards the recreational needs and enhancement of the environment, as well as the liveability and attractiveness of the Town.

1.3 To preserve for the enjoyment of present and future residents of the Town, those areas which have aesthetic value and scenic characteristics.

1.4 To ensure the use of open space and landscaped buffer areas to provide a means of separating non-compatible uses that will protect each other from adverse and undesirable effects.

2. Differentiation Between Parks and Open Areas:

Open areas are considered to be those areas whose size, shape, location or physical characteristics are such that their primary use is restricted to passive activities or visual effects, and are used as such. These would include environmental areas, buffer strips separating and providing visual barriers between conflicting land uses, and other incidental amenity areas. Open spaces could be treed or allowed to re-growth again.

Parks are those open spaces which are used primarily for providing a variety of activities and may include some passive recreational pursuits. In order to qualify as a park, an area would have to be developed as such. Thus a park site would not be considered as a park unless designated and developed for park purposes.

3. Policies

3.1 Treed and maintained buffer strips should be used for protection of residential areas abutting non-compatible uses such as industrial areas and major traffic arteries.

3.2 The joint use of school playgrounds and park sites shall be encouraged.

3.3 No permanent building shall be established within 30 metres of the river bank, except facilities related to agricultural operations or public access points. See Development Designation Map 3.

3.4 Existing vegetation along the Red River should be maintained.

B) Heritage Resources

1. Objectives

1.1 To identify sites and structures having historic, architectural and archaeological significance.

1.2 To protect historical and archaeological resources from uses or activities that would endanger them.

2. Policies

2.1 No development of land shall be permitted that will endanger any site, building or other structure of historic, architectural or archeological significance as established by an inventory of heritage resources by the Historic Resources Branch.

2.2 As a condition for the approval of any development, the Council may, in consultation with the Historic Resources Branch, require the applicant to show that a historically, architecturally or archaeologically significant site or structure is not being endangered.

PART VII. AGRICULTURAL RESOURCES

1. Objectives

1.1 To prevent the premature termination of viable agricultural enterprises until such time as it is needed for urban expansion.

1.2 To prevent premature and random fragmenting of farm land.

1.3 To ensure that intensive agricultural operations are compatible with the abutting urban land use.

2. Policies

2.1 The minimum site area of an agricultural operation in the Zoning By-law shall reflect the policies and objectives of this section and the existing land use ownership pattern.

2.2 Subdivision of surplus farmsteads may be permitted.

2.3 Subdivision of land for a residential site may be permitted for immediate family members actively involved in a farming operation. Immediate member means father, mother, son, daughter, daughter-in-law, son-in-law, grandparents and grandchildren.

2.4 Nothing shall prevent the maintenance, reconstruction or expansion of agricultural operations in the designated area. Extensive livestock or poultry operations may be regulated in the Zoning By-law, subject to being compatible to abutting urban uses.

2.5 Certain agricultural operations such as nurseries, horticulture, marketing gardening, etc. activities may be permitted on sites of less than the general agricultural site provision in the Zoning By-law.

2.6 Urban expansion outside the dyking system into agricultural designated areas shall only occur once adequate flood protection has been provided to the satisfaction of the Water Resources Branch.

2.7 Uses such as but not restricted to the following shall be considered as conditional uses and shall be subject to the provisions of Section 59 of The Planning Act.

(a) sand, gravel and mineral extraction operations (including quarrying and land fill);

(b) aircraft landing facilities;

(c) sewage disposal lagoons;

(d) garbage disposal sites;

(e) communication installations and facilities;

(f) exhibition grounds;

(g) public utilities; and

(h) cemeteries.

PART VIII. MUNICIPAL SERVICES AND TRANSPORTATION SERVICES

A) Municipal Services

1. Objectives

1.1 To maximize use of existing municipal infrastructure prior to extending the system.

1.2 To maintain a capacity in the municipal services system to readily accomodate new development.

2. Policies

2.1 Structures within Emerson pertaining to sewer services shall:

(a) in the case of existing on-site sewage disposal meet the regulation thereof.

(b) in the case of the existing on-site sewer systems on serviced streets, hook up to piped sewer should occur.

(c) all development within the urban built-up area shall be connected to the municipal sewerage system as it becomes available.

2.2 Water service

(a) all new development shall hook up to water service.

(b) once service becomes available in an area, all existing development shall hook up to the service, except agriculture and open space development outside the dyke system.

2.3 Drainage

As new residential, commercial and industrial areas are developed, the existing ditch drainage system shall be examined and upgraded to the desired standard prior to or during development, to prevent swelling and provide adequate surface runoff to the Red River.

2.4 In evaluating and approving any subdivision design or development proposal Council will assist public or private utilities to provide their service in the most economical and efficient manner.

B) Transportation Services

Development adjacent to major highways such as PTH No. 75 and No. 29 is usually detrimental to the carrying capacity and safety of these highways. For this reason the following controls are established:

1. Statutory Controls

1.1 Both PTH No. 75 and PTH No 29 are Limited Access Highways. Under the Highways Protection Act, no access to these highways may be constructed without a permit from the Highway Traffic Board. Permits are also required from the Board for the placement of any structure within the following control lines:

(a) 125 feet adjacent to the right-of-way of PTH No. 29;

(b) 250 feet adjacent to the right-of-way of PTH No. 75 and within the following Control Circles;

(c) 1500 foot radius centered at the intersection of PTH No. 75 and PTH No. 29; and

(d) 1000 foot radius centered at the intersection of PTH No. 75 and PR No. 200 and PTH No. 75 and PR No. 243.

1.2 Provincial Road No. 243 and Provincial Road No. 200 (from the Town of Emerson eastern boundary to the west boundary of Section 6-1-3 EPM) are "declared" provincial roads. Under the Highways Department Act, no access to these highways may be constructed without a written permit from the Department of Highways and Transportation.

(NOTE: Because these roads are located within the boundaries of the Town of Emerson, building setbacks from their edge of right-of-way are established by the local Municipal Officials.)

2. Objectives

2.1 To relate the transportation system within the Town to the provincial system.

2.2 In reviewing and evaluating development proposals, including proposed subdivisions, consideration shall be given to the provisions of an economical and safe road system, integrated with the existing road network and adequate to meet present and future needs.

2.3 An annual review and if required, upgrading of the Town's road surfaces shall take place.

2.4 In areas where residential, commercial or industrial uses are to be allowed in close proximity to a provincial highway, the following development criteria should be observed:

(a) Strip development along the highway, whereby direct connections to the highway are continuously relied upon for providing access to abutting properties, shall not be permitted.

(b) The kind of development that would generate traffic in an amount or of a type that would unduly impair the present and potential capability of the adjoining highway to carry traffic safely and efficiently, shall not be permitted.

(c) The local road or street network associated with any type of proposed development shall be designed to be in accord with both the existing and planned road and street system of the neighbouring areas.

3. Policies

3.1 Although "frontage roads" are at times essential in the elimination of existing direct access connections onto a highway, it is felt that they should not be encouraged when planning the overall development of an area. Frontage roads constructed adjacent to the right-of-way of another road are uneconomical both in terms of initial capital investments and annual maintenance costs. Higher benefits could be derived if the same road could provide access to the adjoining land. It is, however, realized that there are some developments in the Highway Commercial category for which a frontage road could be beneficial. It is felt that some exceptions could be made in these instances.

3.2 Satisfactory storm drainage must be provided to service any development adjacent to the provincial highway system. It is preferred to see no increase in the storm flows in the highway ditch system. However, if this is unavoidable, cost-sharing agreements may be necessary through which a developer would reimburse the Department of Highways and Transportation for any improvements necessary to the provincial highway ditch system to accomodate the increased flows.

3.3 Although land uses identifed as Agri-Commercial development e.g. commercial storage and sale of anhydrous ammonia, the Department of Highways recommends for safety precautions that where these uses are allowed tanks be not located closer than 300 feet from the edge of the right-of-way of a provincial road.

PART IX. DEVELOPMENT CRITERIA IN FLOOD PRONE AREAS AND GROUNDWATER SUPPLY

A) Development Criteria in Flood Prone Areas

1. Introduction

The Town of Emerson is situated on the Red River which causes serious flooding throughout the Red River Valley south of Winnipeg. History records several great floods in the Valley prior to the 20th century, but damage was light at Emerson as little development had taken place. By the next occurences of serious flooding in the Valley, in 1948 and 1950, considerable development had taken place and damage was much more extensive.

Following the 1950 flood, ring dykes were constructed around the developed areas of the Valley towns, including Emerson. The dykes have since protected Emerson from several floods of which the most serious was the 1979 spring flood. Because of the potential hazard in 1979 Emerson was evacuated during the flood.

The existing dykes are designed to provide protection against floods of magnitude up to and including the 1950 flood. A program is currently underway to upgrade the dykes to provide protection against the 100 year flood. The existing dykes will be raised and additional sections constructed, see Map 2. Two possible routes are shown for the West Lynn closure dyke, north of PTH No. 75, because the route has yet to be determined.

The majority of the land enclosed by the Town of Emerson boundaries is not protected by the ring dykes. The 100 year flood level is approximately one foot (0.3 metres) higher than the 1979 flood level at Emerson.

2. Objectives

Large areas within the Town of Emerson boundaries are not protected by the ring dykes and are subject to flooding by the Red River. Development of flood prone lands may lead to acceleration

of environmental damage, interference with natural processes, public expenditures for remedial works or assistance, waste of resources and personal loss and hardship. Therefore, the following objectives have been identified:

2.1 To minimize personal hardship and inconvenience, adverse effects on public health and loss of life;

2.2 To minimize property damage and public expenditures for relief or protection in areas subject to flooding;

2.3 To acquire access to all waterways in order to carry out public work projects when required;

2.4 To maintain the natural capacity of the streams to convey flood flows;

2.5 To encourage the preservation of natural vegetation along the banks of waterways.

3. Policies

3.1 Development in areas which are subject to flooding shall be generally limited to agricultural uses or open space uses. Under special economic or social circumstances Council may permit more intensive development if the hazard is eliminated or protected against. Development in flood prone areas shall be subject to the following requirements:

(a) all permanent structures must be located on land which has been raised by fill to an elevation at least 0.6 metres above the 100 year flood level.

(b) all structures and services shall be protected against damage and shall be functional under hazard conditions.

3.2 Notwithstanding 3.1 development will not be permitted if, as a result of the development;

(a) there is an added risk to life or safety, or

(b) water flow, flow velocities or stages are adversely altered, obstructed or increased.

N

R.M. OF MONTCALM
PARISH OF STE AGATHE
TOWN OF EMERSON

WEST LYNNE CLOSURE DYKE, ROUTE "B2"

WEST LYNNE CLOSURE DYKE, ROUTE "A2"

EXISTING WEST LYNNE DYKE

EXISTING EMERSON DYKE

INTERNATIONAL BOUNDARY

CANADA
U.S.A

PROPOSED P.T.H. No. 75 DYKE

EXISTING NOYES DYKE

TOWN OF NOYES (U.S.A.)

MAP 2

SCALE IN FEET
0 600 1200

PROVINCE OF MANITOBA
DEPARTMENT OF NATURAL RESOURCES
WATER RESOURCES BRANCH

TOWN OF EMERSON

LOCATION PLAN OF
EMERSON, WEST LYNNE AND
NOYES DYKES

3.3 The Council shall ensure that a permit under The Water Resources Administration Act and Manitoba Regulation 179/79 is obtained for any new structures or additions to existing structures within the Red River Valley Designated Flood Area and that the construction is in compliance with the conditions specified in the permit.

B) Groundwater Supply

1. Objectives

1.1 No fresh water aquifers exist within the limits of the Town and in the surrounding area. Water in the acquifers that exist under the Town is very salty and it is under artesian pressure. The saltwater zone is overlain by thick impermeable confining layers that prevent saltwater intrusion in surface waters and topsoil. If the confining layer were penetrated by test holes or wells drilled to the artesian aquifers they could discharge salty water that could have detrimental effects on surface water and topsoil. Consequently, the main objective in the area is proper sealing of deep test holes and construction of wells to prevent uncontrolled saltwater flow through the confining layer.

1.2 To prevent damage to surface water and topsoil that could be caused by uncontrolled discharge of salty water.

1.3 To prevent the construction of man-made openings in the confining layer.

2. Policies

2.1 Groundwater of artesian aquifer water supply shall not be used through individual or group wells due to its salinity.

2.2 Well and test holes should be allowed in the area only if they are completed and abandoned in a manner that would not weaken the natural confining layer that exists above the saltwater zone and in consultation with the Water Resources Branch, Manitoba Government.

PART X. GENERAL LAND USE

The inter-relationships among various land uses in terms of size and geographic location are illustrated on Map 3 Development Designation Map. This map together with the written text of this part, form the Basic Planning Statement for the Town of Emerson.

The general land use pattern as shown on the map, is based on:

(a) the existing land use pattern;

(b) anticipated user needs;

(c) existing pattern of municipal services; and

(d) the natural directions and trends for growth.

In determining a desirable future land use pattern and allocation of land among various land uses, various objectives and policies, as discussed earlier for each land use category, are taken into account. Various land use proposals, street network and circulation patterns allow for orderly growth and development.

The policies and objectives contained in this Planning Statement are broad and general, and considered adequate for overall town-wide development and are also used as a basis for establishing specific standards, regulations, agreement and the like, such as zoning by-laws, subdivision regulations and performance standards.

The boundaries of the land use districts shown on the Development Designation Map 3 should not be construed as being exact but should be considered primarily for serving the purpose of providing a general spatial relationship among the various land use districts. Resolution of exact boundary limits will occur at a more detailed level planning, such as sector planning, subdivision design and zoning by-laws.

The achievement of these land use goals will take place over a period of years so the existing land use pattern evolves to that shown on Map 3. During this period the new zoning by-law will provide the means to effect the transition. The zoning by-law may recognize the existing uses of land and maintenance thereof, however, any change from the existing use must conform to the policies and objectives of the Basic Planning Statement.

PART XI. IMPLEMENTATION

The purpose of this section is to describe the actions that are required to be taken to facilitate the adoption and implementation of the Basic Planning Statement.

Full adoption and implementation consists of a combination of official steps legally required under The Planning Act as well as several unofficial steps and conditions. The following are considered as the key elements of the process:

(a) setting in motion the adoption procedure;
(b) measures to put in place land use controls;
(c) capital works programs;
(d) planning advisory committee;
(e) periodic review and amendment.

1. Adoption Procedure

The Basic Planning Statement is adopted by a by-law of the Council of the Town of Emerson as required by Section 38 of The Planning Act, Chapter 29, S.M. 1975. This involves consultation with citizens with proper notice and public hearings, and review by the provincial government. The review procedure is set in motion when the by-law adopting the Basic Planning Statement has received first reading.

2. Land Use Controls

The Basic Planning Statement serves as a guide in making day-to-day decisions on planning matters, however, it does not itself provide a complete planning tool. Rather, it must be used in conjunction with other planning controls available to a municipality under The Planning Act and other legislation. Actual enforcement of its policies and programs is carried out by using the following planning controls:

2.1 Zoning By-law

Within a six month period or such further period as the Minister may decide after the passage of the BPS, the Council shall adopt a zoning by-law to carry out the intent of the BPS.

A zoning by-law is often at the heart of measures to control land uses. It establishes various land use districts, determines both permitted uses and conditional uses, and prescribes relevant standards and requirements that are applicable in each land use district. In this regard, the BPS is used as a guide in preparing or amending the zoning by-law. For example, in studying an application for re-zoning, the Council shall base its decisions on the objectives, the policies and the land use proposals laid down in the BPS.

2.2 Subdivision Regulations

The Planning Act contains detailed provisions and regulations governing the form and approval of subdivision applications. Section 62(1)(b) of The Planning Act provides that a subdivision of land shall not be approved unless the Council of the municipality in which the land proposed for subdivision is located, has by resolution given its approval, with or without conditions. The Council of the Town of Emerson should approve a subdivision plan only when the objectives and policies of the BPS and also other relevant laws and by-laws are complied with.

2.3 Building Regulations and Development Permits

Proposals for actual development of a building site brings into play the building by-laws or regulations. These by-laws and regulations will not only complement the Zoning By-law, but will set out the terms, conditions and procedures upon which building permits may be issued. Through the building by-laws and regulations, the Council can establish the minimum standards of construction, maintenace and occupancy which new and renovated buildings have to meet in order to protect the safety and health of the public. The standards required in these by-laws and regulations also affect the physical appearance and environmental

quality of a development.

The Manitoba Building Code, which governs certain types of buildings and structures, and has effect throughout the Province of Manitoba, may be adopted in whole or in part, or may be modified for adoption purposes by the Town of Emerson.

2.4 Public Works

The Town in carrying out its public works programmes regarding the provision of facilities and services to land, shall endeavor to conform to the objectives and policies set out in the Basic Planning Statement. Through its policies regarding the provision and quality of facilities and services, the Town may control the rate and direction of growth. For example, services may only be extended into vacant land if the intended development will conform to the objectives and policies set out in the Basic Planning Statement.

2.5 Development Agreements

Among the measures available to the Council for implementing the objectives and policies established in the BPS, is the development agreement. Sections 48(1) and 63 of The Planning Act permit the Council of a municipality to enter into development agreements with a developer in order to ensure the provisions of suitable services in any proposed development. Therefore, wherever applicable, a developer may be required by a Council to enter into an agreement under the provisions of The Planning Act to install such facilities or provide such amenities as are considered desirable.

2.6 Land Acquisition

Section 35 of The Planning Act and Section 196(2) of The Municipal Act provide that a municipality may acquire by gift, purchase or expropriation, any interest in land and may sell, lease or otherwise dispose of land or development right so acquired or held for the purpose of implementing any feature of a Development Plan. This would enable a local municipality to secure land for the implementation of the BPS if this was considered to be necessary.

3. Future Studies

The Basic Planning Statement provides a broad concept of land use development within the Town of Emerson. It is by nature a general statement of objectives and policies dealing with land use and development within the Town. It may be necessary and desirable in the future that certain detailed sector plans or area plans be prepared for some specific areas. It may also become necessary to study and report on specific development proposals generated either by the private or public sector.

These sector plans or area plans shall be detailed in nature and scope and shall be prepared within the framework of the objectives and policies of the BPS. For example, they may indicate where and how future development and re-development of residential, commercial and industrial areas will take place. They may also present in detail the desired subdivision pattern and street layout; the location of such facilities as schools, parks and shopping areas; and the proposed mix and densities of housing development.

4. Planning Advisory Committee

With regard to land use and development planning, Section 91(1) of The Planning Act permits a Council of a municipality to establish a planning advisory committee to advise and assist in the formulation of planning matters. These committees may be appointed by the municipality on a permanent or semi-permanent basis as required.

5. Periodic Review and Amendment

The BPS should not be a static document since conditions within the municipality are subject to constant change. From time to time, subdivision plans, or capital works projects may be proposed which do not conform to the objectives and policies set out in the BPS. In such cases, a formal amendment to the BPS shall be required before the proposal can be put into effect. Before making such an amendment, the Council should study its effect on the BPS as a whole to ensure that the proposed change is compatible with the rest of the BPS.

The BPS should be reviewed as often as necessary, especially when some of the objectives and policies established by the BPS become irrelevant or unrealistic. Evaluation of all aspects of the plan in terms of effectiveness in achieving specified objectives should be a continuing concern. It will then be possible to adapt various requirements to the needs of the community.

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TOWN LIMITS

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R.L. 40

R.L. 38

R.L. 36

R.L. 34

R.L. 32

R.L. 30

R.L. 28

R.L. 26

R.L. 24

R.L. 31

R.L. 29

R.L. 27

R.L. 25

R.L. 23

map 3

TOWN OF EMERSON

DEVELOPMENT DESIGNATION

legend

- RESIDENTIAL
- CBD COMMERCIAL
- HIGHWAY COMMERCIAL
- INDUSTRIAL
- PARKS AND OPEN AREAS
- AGRICULTURAL
- TOWN LIMITS

PARISH

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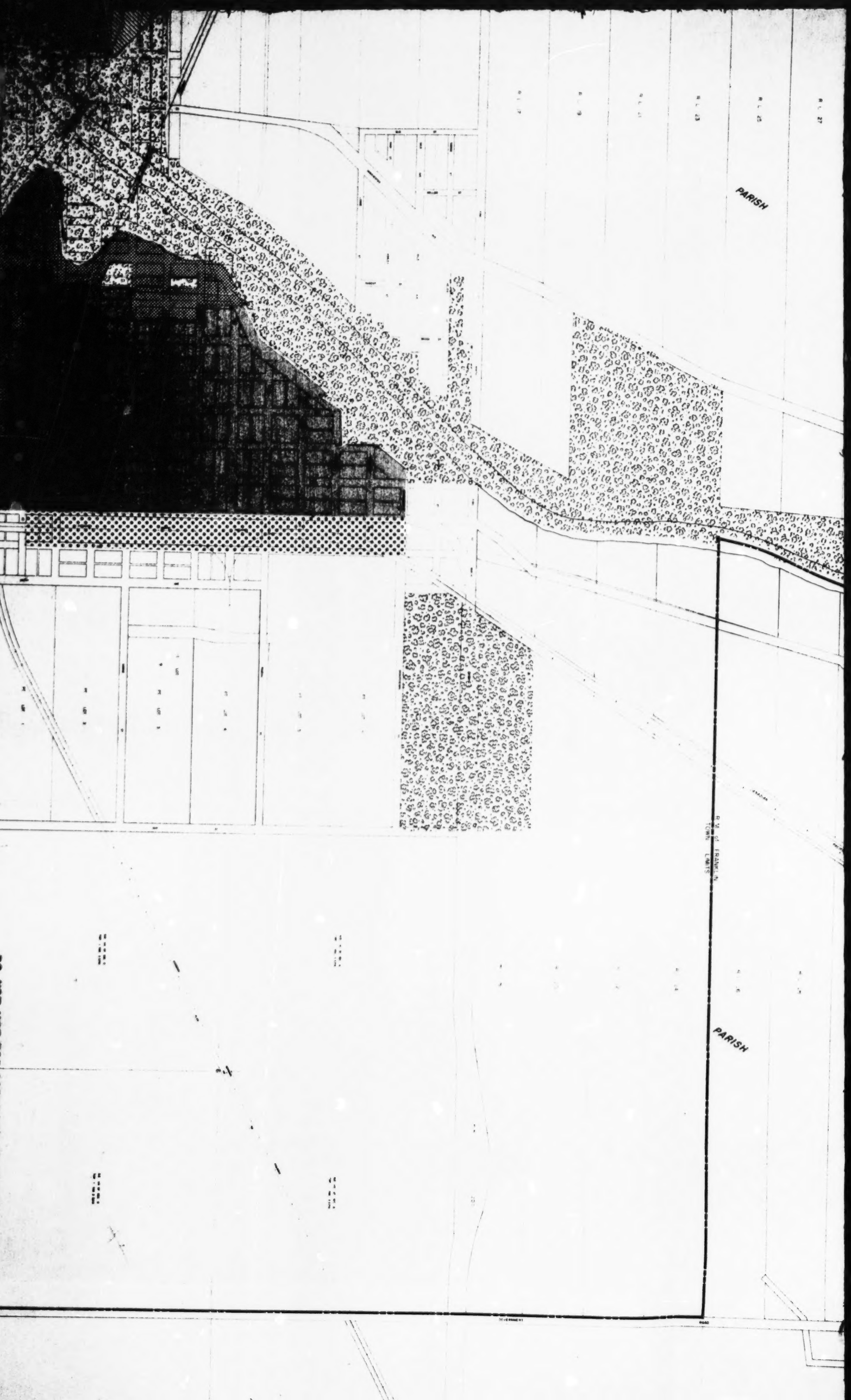
PARISH
PARISH

R.M. of FRANKLIN
TOWN LIMITS

PARISH

DO NOT USE FOR ACCURATE MEASUREMENT

INDUSTRIAL

PARKS AND OPEN AREAS

AGRICULTURAL

TOWN LIMITS

200 0 200 400 Metres

1 : 10,000

Manitoba
Municipal Affairs
Municipal Planning

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